



Entered on Docket
November 04, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The HFAH Asylum, LLC Loan**

Hearing Date: September 30, 2011
Hearing Time: 9:30 a.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The HFAH Asylum, LLC Loan." ("HFAH Asylum, LLC Loan") [DE 8863] (the "Objection"); the Court having heard the Objection on September 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders'

1 right to repayment by the borrower or from the collateral securing the HFAH Asylum,
2 LLC Loan; and good cause appearing:

3 **IT IS ORDERED:**

- 4 1. The Objection [DE 8863] is sustained; and
5 2. The claims listed on **Exhibit A** attached are 30% allowed and 70%
6 disallowed to the extent those claims are based upon an investment in the HFAH Asylum,
7 LLC Loan.

8
9 PREPARED AND RESPECTFULLY SUBMITTED BY:

10 **LEWIS AND ROCA LLP**

11
12 By /s/ John Hinderaker (AZ #018024)

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14 John Hinderaker (*pro hac vice*)
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17 *Attorneys for USACM Liquidating Trust*
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1 LOCAL RULE 9021 CERTIFICATION

2 In accordance with LR 9021, counsel submitting this document certifies that the order
3 accurately reflects the court's ruling and that (check one):

4 _____ This Court has waived the requirement set forth in LR 9021(b)(1).

5 XXX No party appeared at the hearing or filed an objection to the motion.

6 _____ I have delivered a copy of this proposed order to all counsel who
7 appeared at the hearing, and any unrepresented parties who appeared
8 at the hearing, and each has approved or disapproved the order, or
9 failed to respond, as indicated below [list each party and whether the
party has approved, disapproved, or failed to respond to the
document]:

10 Counsel appearing: _____

11 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
12 copy of this order with the motion pursuant to LR 9014(g), and that
13 no party has objected to the form or content of the order

14 U.S. Trustee: _____	
15 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
16 <input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
17 Other Party: _____	
18 <input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
19 <input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:
22 LEWIS AND ROCA LLP

23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust

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26 # # #

USACM Trust HFAH Asylum LLC Loan Multiple Loan Claims

Claim	Name	Address	Total Claim Amount	Approximate Amount Related to an Investment In the HFAH Asylum LLC Loan	Amount Disallowed (70%)	Amount Allowed (30%)
10725-01208-2	Monighetti, Pete	6515 Frankie LN Prunedale, CA 93907	1,509,963.55	50,000.00	35,000.00	15,000.00
10725-01878	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	10,451.54	Unknown		
10725-01880	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	15,819.84	Unknown		
10725-02226	Raggi, Dennis	Po Box 10475 Zephyr Cove, NV 89448	4,884,068.70	100,000.00	70,000.00	30,000.00
10725-02000	Robert L Ogren Trust DTD 6/30/92	Robert L Orgren Ttee 3768 Rick Stratton Dr Las Vegas, NV 89120	1,827,483.14	100,000.00	70,000.00	30,000.00
10725-01955	Small Family Trust	Richard & Jacquelin Small Ttees 4801 Calle Santa Cruze Prescott Valley, AZ 86314	703,134.00	50,000.00	35,000.00	15,000.00
10725-01960	Souza Jt Ten, David A & Elizabeth M	542 Socorro CT Reno, NV 89511	1,031,654.42	250,000.00	175,000.00	75,000.00
10725-02191	TDS Revocable Family Trust DTD 9/29/98	T Dwight & Bonnie J Sper Ttees 1005 Cypress Ridge LN Las Vegas, NV 89144-1425	1,778,674.00	100,000.00	70,000.00	30,000.00
10725-02279	Winkler Family Trust DTD 3/13/86	Carmel & Rudolf Winkler Trustee 10000 Rossbury PL Los Angeles, CA 90064	1,210,635.98	100,000.00	70,000.00	30,000.00
10725-02278	Winkler, Rudolf IRA	10000 Rossbury PL Los Angeles, CA 90064-4826	651,800.22	75,000.00	52,500.00	22,500.00

EXHIBIT A

2434166.1